

Montana Supreme Court Access to Justice Commission

February 28, 2014

State Capitol, Room 172

1:00 p.m. – 3:30 p.m.

Meeting Minutes

Commissioners Present: Matthew Dale, Rep. Chuck Hunter, Justice Baker, Judge Krueger, Judge Ortley (phone), Judge Snowberger (phone), Hillary Wandler (phone), Jon Bennion, Aimee Grmoljez, Teri Mazer (phone), Andy Huff, and Michele Robinson.

Commissioners Absent: Sen. Rick Ripley, Judge Jackson, Jennifer Brandon, Melanie Reynolds, Alison Paul, Jackie Schara, and Randy Snyder.

Others Present: Chris Manos, Janice Doggett, Kate Kuykendall, Amy Sings In The Timber, Michelle Potts, Abby St. Lawrence, and Krista Partridge.

Call to Order: 1:05 p.m.

Justice Baker introduced a new member of the Commission, Teri Mazer, Gallatin County Justice Court Clerk.

Justice Baker asked if there were any comments or corrections on the November meeting minutes. Aimee Grmoljez and Michele Robinson stated that they were listed as present at the meeting, but both were absent.

Justice Baker moved that the November minutes be adopted as corrected. The motion passed without objection.

Gaps and Barriers Study Update

Amy Sings In The Timber delivered an update on the Gaps and Barriers Study. She reported that Montana Legal Services had agreed to contribute an additional \$7,000 along with other in-kind assistance. In addition, the Montana Justice Foundation Board is considering a special grant for \$12,000 to fund the completion of the study. The MJF special grant is a seconded motion and the vote is pending at the board meeting scheduled for March 28, 2014. The consultant, Kelly Carmody, resumed work in early January and expects to submit a draft report in mid-March. The final report is targeted for completion in time for presentation at the joint meeting of the Access to Justice Commission and the Justice Initiatives Committee in June. Judge Snowberger asked if the raw data will be accessible electronically for future use. Justice Baker said that the data will be provided under the terms of the contract, but she is unsure of the format. Amy Sings In The Timber pointed out that the bulk of the study consisted of listening sessions and interviews and as a result the report will not be data-intensive. Matt Dale asked if the additional \$19,000 to be

contributed by MLSA and MJF will be sufficient and Amy confirmed that all costs will be covered. Justice Baker thanked everyone who assisted with the study and in particular MJF and MLSA for their monetary and in-kind contributions.

Self Represented Litigants Committee Update

The SCSRL Report, Strategic Plan and Priorities and chart, and Court Help Program update were provided in advance of the meeting, and Judge Snowberger expanded on the Committee's process in developing their strategic plan. Judge Snowberger explained that the Committee had already begun identifying priorities and strategies prior to the adoption of the Commission's Strategic Plan, and since the November Commission meeting the Committee had worked to integrate the two documents. The SCSRL decided that they would not undertake two of the recommended strategies in the Commission's Strategic Plan: analysis of the cost to the court system of SRLs, and an analysis of the cost to society of unachieved outcomes due to SRLs. The SCSRL felt that these strategies should be off the table for the SCSRL and recommended that they be considered by other committees if they are pursued at all. The SCSRL also suggested that the study of the creation of an SRL Division within the OCA be taken up by the Policy and Resources Committee. Judge Snowberger stated that the current goal of the SCSRL is to continue work on a new dissolution form packet and to provide training for advocates on legal information vs. legal advice. Justice Baker commended the Committee for providing a template for other committees to use as they move forward with their priorities and strategies, and she advised that Commission would take action on other committee plans at the next meeting.

Action Item: Strategic Planning Report

Justice Baker asked the Commissioners if there were any corrections, additions or other thoughts on the Strategic Plan as revised based on input provided during the November meeting. Judge Snowberger requested that the SCSRL portion be replaced by the Committee's final plan. Justice Baker explained that this is not necessary because the Strategic Plan merely refers strategies to the various committees, but does not require that every strategy must be implemented. Judge Ortley asked for confirmation that the Strategic Planning Report included in the meeting materials was the revised version. Justice Baker confirmed that this was the correct version, but that the report date hadn't been updated by John Tull.

Amy Sings In The Timber moved to approve the Strategic Planning Report. Matt Dale seconded the motion. The motion passed unanimously.

Action Item: Discuss and Approve Committee Structure and Membership

Justice Baker asked the group to review the membership of the Standing Committees and request changes or additions. In addition to the Communications and Outreach Committee, Matt Dale asked to be included on the Policy and Resources Committee. Judge Snowberger noted that Casey Clark, a District Court Clerk, has joined the SCSRL. Abby St. Lawrence added that Patty

Fain and Jennifer Brandon are also on the Justice Initiatives Committee, and that the SCSRL is working on adding a member from the JIC.

Matt Dale moved that the Standing Committees and members be approved. Jon Bennion seconded the motion. The motion passed unanimously.

Action Item: Finalize strategic priorities of Standing Committees

Justice Baker asked for discussion on the assignments of priorities to the Standing Committees, and noted that a motion isn't needed, but asked the group if anyone disagreed with the assignments. Justice Baker asked that the strategies not adopted by the SCSRL be removed from their list. Andy Huff suggested that the strategy to analyze the cost to the court system of SRLs be added to the Policy and Resources Committee for consideration. Justice Baker then directed that the Standing Committees should meet at least once before the joint meeting of the ATJC and JIC in June and that they should be ready with their review of priorities and strategies.

Law and Justice Interim Committee Update

Justice Baker gave an update on the Law and Justice Interim Committee's study of changes to the family law process. She described two mediation-focused tracks: a proposal to make mediation mandatory in family law cases and to adopt a sliding fee scale; and a proposal based on the North Dakota model to fund up to 6 hours of mediation. Evaluations of the North Dakota model have shown a reduction in the number of case re-openings. The North Dakota Supreme Court Administrator will speak at the next committee meeting on April 28, 2014. Bill drafts on the mediation proposals will begin in April and need to be started by June at the latest. Chris Manos advised that the State Bar Planning Meeting will take place on May 16-17, 2014, in Billings and that bill drafts would be helpful to have in hand for their discussions.

Other Business

Justice Baker reminded the group that the comment period for the Supreme Court Pro Bono Requirement Order expires next week and so please submit comments if you haven't already. Justice Baker stated that she hopes for a ruling around the end of March. She mentioned that the ABA comments were very thorough and helpful. Hillary Wandler requested that the ABA comments be circulated to the Commission members.

Wrap-up and Public Comment

Justice Baker opened the floor for public comments.

There were no public comments.

Justice Baker stated that the next meeting will be a joint meeting with the Justice Initiatives Committee meeting which is already scheduled for June 25, 2014, in Helena. Details will be circulated at a later date.

Justice Baker adjourned the meeting at 2:24 p.m.